

Timothy Wigglesworth

Barrister

Overview

Timothy was admitted as a solicitor in 1999 and practised in general company and commercial matters, principally acting in the sale and purchase of companies and businesses, and in banking and finance matters.

Since transferring to the Bar in 2007, Timothy has developed a general Chancery practice and undertakes work in the County Court and High Courts in the following areas:

- Bankruptcy and Insolvency – acting for both creditors and debtors in individual and corporate debt issues; defending bankruptcy petitions and setting aside statutory demands; advising on petitions seeking bankruptcy or insolvency; dealing with costs issues on applications by trustees in bankruptcy; advising on the distribution of a bankrupt's estate, and insolvent estates.
- Boundary and Property Ownership disputes – advising and representing clients on a broad range of freehold and leasehold property issues and claims, including co-ownership under the Trusts of Land and Appointment of Trustees Act 1996; the enforcement of mortgages and charges; disputes as to easements and rights of way and their creation and extent; adverse possession of property and claims of limitation; Party Wall disputes; and disputes as to the location of boundaries.
- Residential and Commercial Landlord and Tenant matters - advising as to the extent and effect of leasehold covenants; being instructed by landlords regularly in claims for unpaid service charges; advising and representing landlords as to claims for forfeiture, and advising tenants as to relief from forfeiture; representing clients in claims for the possession of property; advising and representing local authorities in claims for possession and injunctive remedies against nuisance tenants, being a member of Dere Street's Housing Group; leasehold enfranchisement and the grant of new leases.
- Probate and Inheritance Act claims – dealing with a wide variety of matters in connection with the administration of estates, including where executors will not cooperate; claims as to the validity of wills, their execution and capacity of the testator and challenges by those who are unhappy with the contents of a will; advising and representing clients in claims under the Inheritance (Provision for Family and Dependents) Act 1975, including advising on the merits of a claim, the procedure, the grounds and basis of a claim; advising on making a claim out of time.



Year Of Call:

2007

Practice Areas

[Company and Commercial](#)

[Property Dispute Resolution](#)

[Trusts and Probate](#)

Continued. . .

- General Contractual, Commercial and Civil disputes – including claims for breach of contract, directors’ liability on personal guarantees, issues of agency, sale of goods, partnership law and shareholder disputes, as well as more general company and commercial matters.

Timothy will happily provide a written advice or opinion, as well as drafting pleadings and other Court documents required during the course of litigation. Being a Churchwarden of the Cathedral Church of Saint Nicholas in Newcastle upon Tyne, Timothy is also keen to develop his experience of ecclesiastical matters and his knowledge of ecclesiastical law.

Notable Cases

Hooper v Alnwick District Council and Holy Trinity Church Embleton (unreported, Newcastle County Court, 24 May 2011, HHJ S Wood) :

Successfully representing the Vicar and Churchwardens in a claim for personal injuries where the Claimant sustained injuries after tripping over a cast iron gate stop which was alleged to be a hazard, but which was found to be an obvious part of the churchyard furniture which did not need to be illuminated or painted to make it more visible.

Lundy and Haslam v Stockhill (unreported, High Court, Chancery Division, Leeds DR, 7 September 2011, HHJ Kaye QC) :

Representing the debtor in an appeal against a bankruptcy order, which had been made after the debtor failed to complete the purchase of a leasehold property. The balance of the purchase price was demand, and the appeal allowed on the basis, inter alia, that the agreement for the sale and purchase of the property had not been completed. The Petitioning Creditors were not entitled to seek the debtor’s bankruptcy where the property had not been transferred to the debtor.

Petterson v Ross [2013] EWHC 2724 (Ch); [2014] W.T.L.R. 321. HHJ Behrens. :

Instructed to represent one of three siblings whose mother had died leaving a will containing a number of specific bequests of properties to her children, but where there were insufficient assets to cover the liabilities of the solvent estate. The siblings did not agree on how the estate should be distributed. The court had no discretion to decide otherwise than according to the rules set out in the Administration of Estates Act 1925. Once the liabilities had been determined, the specific bequests were abated proportionately.

Appointments:

Legal Adviser to the Church of England Guild of Vergers since 1999.

Churchwarden of the Cathedral Church of St Nicholas, Newcastle upon Tyne, since 2009.

Memberships

Member of the North Eastern Circuit

Member of the Ecclesiastical Law Society
